

**Commonwealth of Kentucky  
Environmental and Public Protection Cabinet  
Department for Environmental Protection  
Division for Air Quality  
803 Schenkel Lane  
Frankfort, Kentucky 40601  
(502) 573-3382**

**AIR QUALITY PERMIT  
Issued under 401 KAR 52:030**

**Permittee Name:** Kentucky Smelting Technology (formerly Toyota Tsusho America, Inc.)  
**Mailing Address:** 4000 Town Center, Suite 1260  
Southfield, MI 48075

**Source Name:** Kentucky Smelting Technology (formerly Toyota Tsusho America, Inc.)  
**Mailing Address:** 140 Bellafato Dr.  
Paris, KY 40361

**Source Location:** Near Houston Creek between US 68 and US 460  
off of US 27

**Permit Number:** F-04-037  
**AI Number:** 51005  
**Review Type:** Conditional Major, NESHAP  
**KYEIS ID #:** 21-017-00034  
**SIC Code:** 3341

**Regional Office:** Frankfort Regional Office  
643 Teton Trail, Suite B  
Frankfort, KY 40601-1758  
(502) 564-3358

**County:** Bourbon

**Application**  
**Complete Date:** September 28, 2004  
**Issuance Date:** May 3, 2005  
**Expiration Date:** May 3, 2010

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**John S. Lyons, Director  
Division for Air Quality**

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**Definitions:** The following definitions apply to all abbreviations and variables used in this permit:

PT – total particulate matter  
PM10 – particulate matter equal to or smaller than 10 micrometers  
CO – carbon monoxide  
NO<sub>x</sub> – nitrogen oxides  
SO<sub>2</sub> – sulfur dioxide  
Pb – lead  
VOC – volatile organic compounds  
HCl – hydrochloric acid  
D/F – Dioxin/Furans

## **SECTION A – PERMIT AUTHORIZATION**

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first having submitted a complete application and received a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:030, Federally-enforceable permits for non-major sources.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

**SECTION B – AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS****EMISSION UNIT: 01 Two Melting Furnaces with Natural Gas Combustion and a Lime-Injected Baghouse**

**Description:** The permittee will operate two melting furnaces in batch mode. Each batch cycle will require approximately 8 hours for melting and charging, approximately 1 hour for Cl<sub>2</sub> gas treatment, and approximately 3 hours for molten aluminum transfer; the entire cycle will take approximately 12 hours. Each furnace will be equipped with a side-well. Molten aluminum from the hearth will be pumped to the side-well where it will melt in-coming scrap material. Scrap will be charged to the side-well via forktrucks. In addition, aluminum ingots, sows, and other large aluminum feed will be charged to the dry hearth. Cl<sub>2</sub> gas flux will be added to the side-well of the furnace through the molten aluminum pump. Solid flux may also be added to the side-well as a backup to ensure product quality. Argon gas will be bubbled through the molten aluminum to further refine the product. Combustion gases are vented to the atmosphere; gases from the melting and fluxing are vented to spark arresters and then to a lime-injected baghouse. Under 40 CFR Part 63 Subpart RRR, these melting furnaces are classified as Group 1 Furnaces.

Construction will commence around January 1, 2005.

**APPLICABLE REGULATIONS:**

**401 KAR 59:010** New process operations

**40 CFR Part 63 Subpart RRR** Secondary Aluminum Production NESHAP

**1. Operating Limitations:**

- a. The permittee shall operate the furnace within the range of charge materials, contaminant levels, and parameter values established in this permit.
- b. Total chlorine usage shall be maintained at or below the average rate established during the performance test.

**Compliance Demonstration:** Compliance with the limits described above shall be determined each cycle by:

- i. Calculating total chlorine added as gas flux and
- ii. Comparing the allowable to the actual rate as calculated below:

$$F = \frac{F_{cy}}{P_{cy}}$$

Where F is the average fluxing rate per operating cycle (pounds Cl<sub>2</sub>/ton aluminum fed), F<sub>cy</sub> is the total Cl<sub>2</sub> added per operating cycle (pounds/cycle) and P<sub>cy</sub> is the total aluminum feed (tons/cycle).

- c. Pursuant to 40 CFR 63, Subpart RRR, Section 63.1506, the permittee shall:
  - i. Maintain the level of molten metal above the top of the passage between the side-well and hearth during reactive flux injection.

**SECTION B – AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**

- ii. Maintain the total reactive chlorine flux injection rate for each operating cycle or time period used in the performance test at or below the average rate established during the performance test.
  - iii. Install, and operate a device to measure and record the weight of all materials fed/charged and/or aluminum produced to an accuracy of  $\pm 1\%$  over the same operating cycle or time period used in the performance test. This device shall be calibrated according to manufacturer's specifications or at least once every 6 months.
  - iv. Provide and maintain easily visible labels posted at each emission unit that identify the applicable emission limits and the means of compliance.
- d. The permittee shall design and install an emission capture and collection system in accordance with "Industrial Ventilation: A Handbook of Recommended Practice" and operate the system in accordance with the Operation, Maintenance, and Monitoring plan (OM&M plan):
  - i. For continuous lime-injection systems, the permittee shall:
    - Maintain free-flowing lime in the feed hopper or silo at all times;
    - Maintain feeder setting at the level established during the performance test for continuous injection systems; and
  - ii. The permittee shall install and operate a bag leak detector system such that the alarm does not sound more than 5% of operating time in any 6-month period.
  - iii. Should the bag leak detector sound an alarm, the permittee shall initiate corrective action within 1 hour and complete the corrective action procedures in accordance with the OM&M plan.
  - iv. The permittee shall maintain the average fabric filter inlet temperature for each 3-hour period at or below the average temperature established during the performance test, plus 14°C (plus 25°F).
  - v. The permittee shall maintain the triboelectric alarm system in good operating condition at all times.

**2. Emission Limitations:**

- a. Visible emissions shall not equal or exceed 20% opacity [401 KAR 59:010, Section 3(1)(a)].

**Compliance Demonstration:** See **Section D.4. and D.5.**

- b. Particulate emissions shall not exceed the following limits:

$$E = 3.59P^{0.65}$$

**SECTION B – AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**

Where E is the allowable hourly particulate emission rate (pounds/hour) and P is the process weight rate (tons/hr).

**Compliance Demonstration:** Compliance with the particulate emission limits described above shall be determined by comparing the allowable rate to the actual rate as calculated below:

$$E_{PM_i} = \frac{P_i \cdot EF_{PM}}{h_i} \cdot \left(1 - \frac{CE}{100}\right)$$

Where i is the month,  $E_{PM_i}$  is the actual average hourly particulate emission rate for month i (pounds/hour),  $P_i$  is the actual specific operating parameter for month i (units/month),  $EF_{PM}$  is the overall uncontrolled KYEIS particulate emission factor (pounds/unit),  $h_i$  is the actual total hours of operation for month i (hours/month), and CE is the overall control efficiency (%).

- c. Pursuant to 40 CFR 63 Subpart RRR, the source has a choice to limit emissions from Group 1 Furnaces on an individual basis or as part of a Secondary Aluminum Processing Unit (SAPU). As individual units, Dioxin/Furan emissions from any Group 1 Furnace shall not exceed  $2.1 \times 10^{-4}$  gr of TEQ per ton of feed.

**Compliance Demonstration:** Compliance with the limits described above shall be determined by comparing the allowable rate to the actual rate as calculated below:

$$X = \frac{E_x}{P}$$

Where X is the production-based emission rate of each limited pollutant (pounds/ton aluminum fed),  $E_x$  is the actual hourly emission rate of pollutant X as determined during a performance test (pounds/hour) and P is the actual total aluminum production during the performance test (tons/hour).

If the source cannot or chooses not to demonstrate compliance with the individual limits in **2.c** above, the permittee shall maintain a 3-day rolling average of the SAPU emission limits. See **Section D 2.a.** below.

3. **Testing Requirements:** The permittee shall conduct a performance test in accordance with **Section G.4.e.** of this permit to measure D/F and HCl emissions at the outlet of the control device (baghouse). The results of the performance tests shall be used to establish emission rates (pounds/ton of feed/charge) to be used to demonstrate compliance with the limits described in **2.c.** above.

## **SECTION B – AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**

**4. Specific Monitoring Requirements:** The permittee shall monitor the following:

- a. Monthly and 12-month rolling total hours of operation;
- b. Monthly and 12-month rolling total feed/charge throughput;
- c. Monthly and 12-month rolling total aluminum produced;
- d. Hourly pollutant emission rates (based on monthly average);
- e. Production-based pollutant emission rates;
- f. Weight of gaseous or liquid reactive flux injected in accordance with 40 CFR 63 Subpart RRR, Section 63.1510;
- g. The level of molten metal in accordance with 40 CFR 63 Subpart RRR, Section 63.1510;
- h. Monthly equipment label inspection;
- i. Capture system performance in accordance with the OM&M plan as required by Subpart RRR; and
- j. See **Section D.4.** below.

**5. Specific Recordkeeping Requirements:** The permittee shall retain records of the following:

- a. Monthly and 12-month rolling total hours of operation;
- b. Monthly and 12-month rolling total feed/charge throughput;
- c. Monthly and 12-month rolling total aluminum produced;
- d. Hourly pollutant emission rates (based on monthly average);
- e. Production-based pollutant emission rates;
- f. The 15-minute block data of reactive flux injected in accordance with 40 CFR 63 Subpart RRR, Section 63.1510 or an alternative monitoring plan;
- g. The level of molten metal in accordance with 40 CFR 63 Subpart RRR, Section 63.1510 and record exceptions;

**SECTION B – AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**

- h. Monthly equipment label inspections;
  - i. For each baghouse, daily pressure drop measurements;
  - j. Current operation, maintenance, and monitoring (OM&M) plan; and
  - k. See **Section D.5.** below.
- 6. **Specific Reporting Requirements:**  
The permittee shall report all visible emissions readings in excess of the 20% limit specified in this permit semi-annually to the Division's Frankfort Regional office.
- 7. **Specific Control Equipment Conditions:**
  - a. The baghouse shall be properly maintained, kept in good operating condition, used in conjunction with the associated processes and operated in accordance with the manufacturer's specifications.
  - b. The permittee shall maintain a daily log of the pressure drop across the baghouse and ensure it remains in the proper operating range as specified by the manufacturer or in the OM&M plan.
- 8. **Alternate Operating Scenarios:** NA
- 9. **Compliance Schedule:** NA
- 10. **Compliance Certification Requirements:** The permittee shall submit a certification of compliance with the operational standards for each 6-month reporting period in accordance with 40 CFR 63 Subpart RRR, Section 63.1510.



**SECTION C – INSIGNIFICANT ACTIVITIES**

The following listed activities have been determined to be insignificant activities for this source pursuant to 401 KAR 52:030, Section 6. While these activities are designated as insignificant the permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

Description	Generally Applicable Regulation
1. Paved Roads/Scrap Storage	401 KAR 63:010
2. In-line Degasser (Argon gas only)	401 KAR 59:010
3. Dross Storage/ Handling	401 KAR 63:010
4. Crucible Operations	401 KAR 63:010

## SECTION D – SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

As required by Section 1b of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 10, compliance with annual emissions and processing limitations contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.

1. **Operating Limitations:** NA

2. **Emission Limitations:**

a. Pursuant to 40 CFR Part 63 Subpart RRR:

- i. If each existing unit within the SAPU is in compliance with individual emission limits, then the permittee shall be considered to be in compliance and the three-day rolling SAPU calculation shall not be required.
- ii. If the source cannot or chooses not to demonstrate compliance with the individual limits, the permittee shall maintain a 3-day rolling average of the SAPU emission limits.
- iii. SAPU emission limits for each pollutant shall be determined by applying the following equation:

$$E'_X = \frac{\sum_{j=1}^n (L_{Xj} \cdot P_j)}{\sum_{j=1}^n (P_j)}$$

Where, j is the unit, n is the total number of units in the SAPU, X indicates the specific pollutant, E'<sub>X</sub> is the allowable SAPU emissions for pollutant X (pounds/ton material charged), L<sub>Xj</sub> is the emission limit for pollutant X specific to unit j (pounds/tons material charged), and P<sub>j</sub> is the operating rate for unit j (tons material charged/hour).

**Compliance Demonstration:** The 3-day rolling average for an individual SAPU shall be calculated with the following equations:

$$E_X = \frac{\sum_{i=1}^3 E_{Xi}}{3}$$

$$E_{Xi} = \frac{\sum_{j=1}^n X_j \cdot P_{ij}}{\sum_{j=1}^n P_{ij}}$$

Where E<sub>X</sub> is the 3-day rolling average emissions of pollutant X (pounds/tons material processed), i is the day, j is the unit, n is the total number of units in the SAPU, E<sub>Xi</sub> is the estimated actual emissions from the SAPU on day i (pounds/tons material charged), X<sub>j</sub> is the measured

**SECTION D – SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS**

emission rate of pollutant X from emission unit j as determined in the performance test (pounds/ton of material processed), and  $P_{ij}$  is the total amount of material processed in unit j on day i (tons).

- iv. During all periods of lime-injection system failure, the permittee shall conduct all compliance demonstrations and calculations assuming 0% control of all chlorine emissions.
  - b. Emissions from the plant shall not exceed 9 tpy of any single HAP.
3. **Testing Requirements:** Testing shall be conducted in accordance with 401 KAR 50:045, Section (1); 401 KAR 59:005, Section 2 (2) and/or 40 CFR 63 Subpart RRR.
4. **Specific Monitoring Requirements:** To provide reasonable assurance that the visible emission limitations are being met, the permittee shall perform a qualitative visual observation of the opacity emissions from each building opening, stack or vent on a weekly basis, during unit operation.
- a. If no visible emissions are observed then no further monitoring is required.
  - b. If visible emissions are observed, the log shall indicate:
    - i. Whether the visible emissions were normal for the process.
    - ii. Method 9 readings of abnormal visible emissions.
    - iii. The cause of the abnormal visible emissions.
    - iv. Any corrective actions taken
5. **Specific Record Keeping Requirements:** For each opening, stack or vent, the permittee shall maintain a log of the qualitative visual observations performed.
6. **Specific Reporting Requirements:**
- a. Semiannual reports shall be sent to the Division's Frankfort Regional Office by January 30 and July 30 each year. See **Section F** below.
  - b. The permittee shall submit an Operation, Monitoring & Maintenance plan for Division approval as required by 40 CFR 63.1510(b)
7. **Specific Control Equipment Operating Conditions:** NA
8. **Alternate Operating Scenarios:** NA
9. **Compliance Schedule:** NA
10. **Compliance Certification Requirements:** See **SECTION F** below.

## **SECTION E – SOURCE CONTROL EQUIPMENT REQUIREMENTS**

Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

## **SECTION F – MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS**

1. Pursuant to Section 1b (IV)(1) of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 10, when continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
  - a. Date, place (as defined in this permit), and time of sampling or measurements;
  - b. Analyses performance dates;
  - c. Company or entity that performed analyses;
  - d. Analytical techniques or methods used;
  - e. Analyses results; and
  - f. Operating conditions during time of sampling or measurement.
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality[401 KAR 52:030 Section 3(1)(f)1a and Section 1a (7) of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 10].
3. In accordance with the requirements of 401 KAR 52:030 Section 3(1)f the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
  - a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation;
  - b. To access and copy any records required by the permit;
  - c. Sample or monitor, at reasonable times, substance or parameters to assure compliance with the permit or any applicable requirements (reasonable times are defined as during all hours of operation, during normal office hours, or during an emergency).
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.

## **SECTION F – MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS**

5. Summary reports of any monitoring required by this permit, other than continuous emission or opacity monitors, shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation.
6. The semi-annual reports are due by January 30th and July 30th of each year. All reports shall be certified by a responsible official pursuant to 401 KAR 52:030 Section 22. All deviations from permit requirements shall be clearly identified in the reports.
7. In accordance with the provisions of 401 KAR 50:055, Section 1 the owner or operator shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
  - a. When emissions during any planned shutdowns and ensuing startups will exceed the standards notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
  - b. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards, notification shall be made as promptly as possible by telephone (or other electronic media) and shall submit written notice upon request.
8. The owner or operator shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Section F.7 above) to the Regional Office listed on the front of this permit within 30 days. Other deviations from permit requirements shall be included in the semiannual report required by Section F.5 [Section 1b V(3) and (4) of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 10].
9. Pursuant to 401 KAR 52:030, Section 21, the permittee shall annually certify compliance with the terms and conditions contained in this permit by completing and returning a Compliance Certification Form (DEP 7007CC) (or an alternative approved by the regional office) to the Regional Office listed on the front of this permit in accordance with the following requirements:

## SECTION F – MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS

- a. Identification of each term or condition;
- b. Compliance status of each term or condition of the permit;
- c. Whether compliance was continuous or intermittent;
- d. The method used for determining the compliance status for the source, currently and over the reporting period;
- e. For an emissions unit that was still under construction or which has not commenced operation at the end of the 12-month period covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit; and
- f. The certification shall be postmarked by January 30th of each year. **Annual compliance certifications should be mailed to the following addresses:**

Division for Air Quality  
Frankfort Regional Office  
643 Teton Trail, Suite B  
Frankfort, KY 40601-3358

Division for Air Quality  
Central Files  
803 Schenkel Lane  
Frankfort, KY 40601

10. In accordance with 401 KAR 52:030, Section 3(1)(d), the permittee shall provide the Division with all information necessary to determine its subject emissions within thirty (30) days of the date the KEIS emission survey is mailed to the permittee. If a KYEIS emission report is not mailed to the permittee, it shall comply with all other emission reporting requirements in this permit.
11. Pursuant to Section VII (3) of the policy manual of the Division for Air Quality as referenced in 401 KAR 50:016, Section 1(1), results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five (45) days after the completion of the fieldwork.
12. The Cabinet may authorize the temporary use of an emission unit to replace a similar unit that is taken off-line for maintenance, if the following conditions are met:
  - a. The owner or operator shall submit to the Cabinet, at least ten (10) days in advance of replacing a unit, the appropriate Forms DEP7007AI to DD that show:
    - i. The size and location of both the original and replacement units; and
    - ii. Any resulting change in emissions;

## **SECTION F – MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS**

- b. The PTE of the replacement unit shall not exceed that of the original unit by more than twenty-five (25) percent of a major source threshold, and the emissions from the unit shall not cause the source to exceed the emissions allowable under the permit;
- c. The PTE of the replacement unit or the resulting PTE of the source shall not subject the source to a new applicable requirement;
- d. The replacement unit shall comply with all applicable requirements; and
- e. The source shall notify the Regional office of all shutdowns and start-ups.
- f. Within six (6) months after installing the replacement unit, the owner or operator shall:
  - i. Re-install the original unit and remove or dismantle the replacement unit;  
or
  - ii. Submit an application to permit the replacement unit as a permanent change.



**SECTION G – GENERAL CONDITIONS****1. General Compliance Requirements**

- a. The permittee shall comply with all conditions of this permit. Any noncompliance shall be a violation of 401 KAR 52:030 Section 3(1)(b) and is also a violation of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act). Noncompliance with this permit is grounds for enforcement action including but not limited to the termination, revocation and reissuance, revision, or denial of a permit [Section 1a (2) of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 10].
- b. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition [Section 1a (5) of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 10].
- c. This permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:030 Section 18. The permit will be reopened for cause and revised accordingly under the following circumstances:
  - i. If additional requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401 KAR 52:030 Section 12;
  - ii. The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements; or
  - iii. The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
- d. Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Re-openings shall be made as expeditiously as practicable. Re-openings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency;
- e. The permittee shall furnish information upon request of the Cabinet to determine if cause exists for modifying, revoking and reissuing, or terminating the permit; or compliance with the conditions of this permit [Sections 1a (6) and (7) of the

## **SECTION G – GENERAL CONDITIONS**

*Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 10].

- f. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the permitting authority [401 KAR 52:030 Section 7(1)].
- g. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit [Section 1a (11) of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 10].
- h. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance [Section 1a (3) of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 10].
- i. Except for requirements identified in this permit as state-origin requirements, all terms and conditions shall be enforceable by the United States Environmental Protection Agency and citizens of the United States [Section 1a (12)(b) of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 10].
- j. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038 Section 3(6) [Section 1a (9) of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 10].
- k. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance [401 KAR 52:030 Section 11(3)].
- l. This permit does not convey property rights or exclusive privileges [Section 1a (8) of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 10].
- m. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Environmental and Public Protection or any other federal, state, or local agency.

## **SECTION G – GENERAL CONDITIONS**

- n. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, Monitoring, and Entry.
  - o. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency Orders.
  - p. This permit consolidates the authority of any previously issued PSD, NSR, or Synthetic minor source preconstruction permit terms and conditions for various emission units and incorporates all requirements of those existing permits into one single permit for this source.
  - q. Permit Shield – A permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of permit issuance. Compliance with the conditions of this permit shall be considered compliance with:
    - i. Applicable requirements that are included and specifically identified in the permit; and
    - ii. Non-applicable requirements expressly identified in this permit.
  - r. Emission units described in this permit shall demonstrate compliance with applicable requirements if requested by the Division [401 KAR 52:030 Section 3(1)(c)].
  - s. The authority to operate granted through this permit shall cease to apply if the source fails to submit additional information requested by the Division after the completeness determination has been made on any application, by whatever deadline the Division sets [401 KAR 52:030 Section 8(2)].
2. **Permit Expiration and Reapplication Requirements** This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division [401 KAR 52:030 Section 12].
3. **Permit Revisions**
- a. Minor permit revision procedures specified in 401 KAR 52:030 Section 14 (3) may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP

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or in applicable requirements and meet the relevant requirements of 401 KAR 52:030 Section 14 (2).

- b. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer.

**4. Construction, Start-Up, and Initial Compliance Demonstration Requirements**

- a. Construction of any process and/or air pollution control equipment authorized by this permit shall be conducted and completed only in compliance with the conditions of this permit.
- b. Within thirty (30) days following commencement of construction and within fifteen (15) days following start-up and attainment of the maximum production rate specified in the permit application, or within fifteen (15) days following the issuance date of this permit, whichever is later, the permittee shall furnish to the Regional Office listed on the front of this permit in writing, with a copy to the Division's Frankfort Central Office, notification of the following:
  - i. The date when construction commenced.
  - ii. The date of start-up of the affected facilities listed in this permit.
  - iii. The date when the maximum production rate specified in the permit application was achieved.
- c. Pursuant to 401 KAR 52:030, Section 3(2), unless construction is commenced within eighteen (18) months after the permit is issued, or begins but is discontinued for a period of eighteen (18) months or is not completed within a reasonable timeframe then the construction and operating authority granted by this permit for those affected facilities for which construction was not completed shall immediately become invalid. Upon written request, the Cabinet may extend these time periods if the source shows good cause.
- d. For those affected facilities for which construction is authorized by this permit, a source shall be allowed to construct with the final permit. Operational or final permit approval is not granted by this permit until compliance with the applicable standards specified herein has been demonstrated pursuant to 401 KAR 50:055. If compliance is not demonstrated within the prescribed timeframe provided in 401 KAR 50:055, the source shall operate thereafter only for the purpose of demonstrating compliance, unless otherwise authorized by Section I of this permit or order of the Cabinet.

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- e. This permit shall allow time for the initial start-up, operation, and compliance demonstration of the affected facilities listed herein. However, within ninety (90) days after initial start-up of such facilities, the permittee shall conduct a performance test on the affected facilities in accordance with 40 CFR 63:1511.
  - f. Terms and conditions in this permit established pursuant to the construction authority of 401 KAR 51:017 or 401 KAR 51:052 shall not expire.
  - g. Pursuant to Section VII 2.(1) of the policy manual of the Division for Air Quality as referenced by 401 KAR 50:016, Section 1.(1), at least one month prior to the date of the required performance test, the permittee shall complete and return a Compliance Test Protocol (Form DEP 6027) to the Division's Frankfort Central Office. Pursuant to 401 KAR 50:045, Section 5, the Division shall be notified of the actual test date at least ten (10) days prior to the test.
  - h. Pursuant to Section VII 1.(2 and 3) of the policy manual of the Division for Air Quality as referenced by 401 KAR 50:016, Section 1.(1), if a demonstration of compliance, through performance testing was made at a production rate less than the maximum specified in the application form, then the permittee is only authorized to operate at a rate that is not greater than 110% of the rate demonstrated during performance testing. If and when the facility is capable of operation at the rate specified in the application, compliance must be demonstrated at the new production rate if required by the Division.
5. **Acid Rain Program Requirements** If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.
6. **Emergency Provisions**
- a. Pursuant to 401 KAR 52:030 Section 23(1), an emergency shall constitute an affirmative defense to an action brought for noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:
    - i. An emergency occurred and the permittee can identify the cause of the emergency;
    - ii. The permitted facility was at the time being properly operated;
    - iii. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
    - iv. The permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division within two (2) working days of the time when emission limitations were exceeded due to an

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emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and the corrective actions taken.

- b. Notification of the Division does not relieve the source of any other local, state or federal notification requirements.
- c. Emergency conditions listed in General Provision G(f)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement [401 KAR 52:030 Section 23(3)].
- d. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof [401 KAR 52:030 Section 23(2)].

### **7. Risk Management Provisions**

- a. The permittee shall comply with all applicable requirements of 401 KAR Chapter 68, Chemical Accident Prevention, which incorporates by reference 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:

**RMP Reporting Center**

P.O. Box 3346

Merrifield, VA, 22116-3346

- b. If requested, the permittee shall submit additional relevant information to the Division or the U.S. EPA.

### **8. Ozone Depleting Substances**

- a. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
  - i. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
  - ii. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
  - iii. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
  - iv. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the record keeping requirements pursuant to 40 CFR 82.166.
  - v. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.

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- vi. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
- b. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, *Servicing of Motor Vehicle Air Conditioners*.

**SECTION H – ALTERNATE OPERATING SCENERIOS**

N/A